

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11490 JLT

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA (FORMERLY
KNOWN AS THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS)
INDIVIDUALLY AND A/S/O DACON
CORPORATION AND A/S/O
CONDYNE VENTURES, LLC.,
Plaintiff

vs.

GENESIS INDEMNITY INSURANCE COMPANY
And TIG INSURANCE COMPANY,
Defendants

**DEFENDANT GENESIS INDEMNITY INSURANCE COMPANY'S
MOTION TO JOIN INDISPENSABLE PARTIES WHICH DESTROYS
DIVERSITY JURISDICTION REQUIRING DISMISSAL OR REMAND
OR, IN THE ALTERNATIVE, MOTION TO STAY THIS CASE
PENDING RESOLUTION OF THE UNDERLYING CASE**

Defendant, Genesis Indemnity Insurance Company, moves to add indispensable parties to this litigation pursuant to Fed. R. Civ. P. 19. Joinder of the indispensable parties destroys diversity jurisdiction and therefore, this case must be dismissed or remanded to the Superior Court. In the alternative, Genesis Indemnity Insurance Company moves to stay this case pending resolution of the underlying case. This Motion is supported by the attached Memorandum and Exhibits.

For all of the reasons set forth in this Motion, the attached Memorandum and the supporting Exhibits, Defendant, Genesis Indemnity Insurance Company requests that this court dismiss, remand or stay this action based upon the

indispensability of Michael Martin, Frazier Industrial Company, JSS

Construction, Environmental Fire Protection, Inc. and SJV Electric, Inc. as parties.

The Defendants,
Genesis Indemnity Insurance Company
By their attorney,

/s/Jocelyn M. Sedney

Jocelyn M. Sedney, BBO# 552115

BRODY, HARDOON, PERKINS & KESTEN, LLP

One Exeter Plaza, 12th Floor

Boston, MA 02116

(617) 880-7100

Dated: November 1, 2005